

AN ORDINANCE PROHIBITING THE CONSUMPTION OR SMOKING OF
CANNABIS IN PUBLIC PLACES

MEADE COUNTY ORDINANCE 54

BE IT ORDAINED BY MEADE COUNTY:

ARTICLE I: GENERAL PROVISIONS

Section 1: Authority

This Ordinance is enacted under the authority of SDCL 7-8-33. The Meade County Board of County Commissioners hereby makes a determination that consuming or smoking cannabis in any public place is a public nuisance in that the act (1) Annoys, injures, or endangers the comfort, repose, health, or safety of others and (2) Offends decency.

Section 2: Purpose

It is the purpose of this Ordinance to prohibit the consumption or smoking of cannabis in any public place in Meade County outside of municipalities.

ARTICLE II: DEFINITIONS

Section 1: Application and Interpretation

The definitions listed hereafter shall apply to this Ordinance. The definitions set forth are to be understood in their ordinary sense.

The definitions set forth correspond to the definitions of SDCL 34-20G-1. Any interpretation of terms under that statute shall apply to the same term in this Ordinance.

Section 2: Definitions

- A. "Cannabis products," any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures;
- B. "Commissioners," the Meade County Board of County Commissioners;
- C. "Edible cannabis products," any product that:
 - 1 Contains or is infused with cannabis or an extract thereof;
 - 2 Is intended for human consumption by oral ingestion; and
 - 3 Is presented in the form of foodstuffs, beverages, extracts, oils, tinctures, or other similar products;
- D. "Medical cannabis" or "cannabis," marijuana as defined in § 22-42-1;
- E. "Public place," any area to which the public is invited or in which the public is permitted.
- F. "Place Open to the Public," any place to which the public is invited or permitted, including in, on, or around any place of business, parking lot, or place of amusement or entertainment and includes the elevator, lobby, hallways, corridors, and area open to the public of any store, office or multifamily residential buildings.

ARTICLE III: UNAUTHORIZED ACTS

Section 1: It is unlawful for any person to consume or smoke cannabis, medical cannabis, or cannabis products in any public place, whether or not the cannabis, medical cannabis or cannabis product is prescribed by a practitioner of the medical arts.

ARTICLE VI: PENALTIES

Section 1: Criminal Penalty

- A. Violation of the terms of this Ordinance may be enforced through a fine not to exceed the fine established by subdivision 22-6-2(2) for each violation or by imprisonment for a period not to exceed thirty days for each violation, or by both the fine and imprisonment.

ARTICLE VII: SEVERABILITY AND SEPERABILITY

Should any Article, Section, subsection or part of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional, invalid or otherwise affected by law, such determination shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof other than the part so determined.

ARTICLE VIII: EFFECTIVE DATE

This Ordinance is necessary to protect and immediately preserve the public peace, health, or safety and is therefore immediately effective following second reading pursuant to SDCL 7-18A-8. This Ordinance shall be enforceable no sooner than July 1, 2021.

Passed and adopted this 22 day of June, 2021.


Ted Seamah, Chairperson

Attest:


Auditor

1st Reading: June 8, 2021
2nd Reading: June 22, 2021
Adopted: June 23, 2021
Published: June 30, 2021
Effective: July 1, 2021